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VIA CM/ECF

The Honorable Arthur D. Spatt
The Honorable A. Kathleen Tomlinson
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

**Re: *United States v. Carmine Corrieri, 17-cr-659*
Motion for Reconsideration of Bail Denial**

Your Honor:

I write on behalf of my client, Carmine Corrieri, who is presently detained at the Metropolitan Detention Center (“MDC”) in Brooklyn. Mr. Corrieri has been identified as a high-risk vulnerable detainee for susceptibility to severe complications if he contracts COVID-19. For that reason, on April 1, 2020, Mr. Corrieri made a bail application (ECF Doc. 29) which was denied when one suretor declined to sign the bond proposed by the Court. I move for the Court to reconsider its denial. Mr. Corrieri has the steadfast support of his mother, cousin, and lifelong friend who seek his release to ensure his health and safety. They all attest to the positive changes in his behavior, outlook, and goals during his 2.5 years in custody. His MDC work supervisors also recognize his positive attitude and work ethic:

Corrieri, Carmine is a great addition to our department from day one, and during his time here he has worked in food service he's distinguished himself as a quick learner, consistently diligent worker and overall bright man. He was never once late for a shift, and often stepped forward to cover the shifts of other missing personnel. Corrieri is a highly valued member of the team and has made constant strong contributions during his time here. I place a premium on team players and Carmine has been a natural fit.

He was also intuitive in his interactions with other workers, finding just the right balance of friendliness and leadership without being imposing. Corrieri has a pleasant, even temperament and keeps his cool in even the most stressful situations.

Mr. Corrieri was rated “outstanding” in every major area of his employment review. *See Exhibit A.* Another supervisor offers similar praise:

I was initially impressed with Carmine Corrieri enthusiasm, communication skills and professional demeanor when he was hired over a year ago. Corrieri is reliable, dedicated and eternally upbeat. He has the ability to multitask effectively and is able to handle a high-volume workload. Corrieri team player mind-set, enthusiastic embrace of change, ability to work with minimal supervision and unwavering commitment to exceeding my high expectations. I thoroughly enjoyed my time working with Carmine Corrieri, and came to know him as a truly valuable asset to absolutely any team. Along with his aforementioned skills he is dependable, and incredibly hard-working.

Carmine Corrieri fulfilled his employment responsibilities with little supervision. The position required the ability to liaise between different departments. Success was dependent on strong communication and interpersonal skills. Corrieri did an excellent job in this position and was an asset to the Bureau of Prisons during his tenure in the Food Service department. He has excellent written and verbal communication skills, is extremely organized, can work independently, and is able to follow through to ensure that the job gets done.

Carmine was tasked with putting together over 4,000 meals, for breakfast, lunch and dinner meals. He developed interpersonal relationships with inmates in need of special, medical and religious diets. He also took to memory every recipe and menu substitution. I was impressed that Carmine would volunteer to come to work every day to ensure that the meals were completed and nothing was left out. His dedication to work and attention to detail is very hard to find. Carmine was a go-to guy for me, if I needed something completed he was always the first in line to complete the job. Corrieri was always willing to offer his assistance and had an excellent rapport amongst other cook supervisors.

Mr. Corrieri also received certificates for completing the Critical Thinking Mini-Course, Alternatives to Drug Dealing, Resume Writing courses. *Id.*

Mr. Corrieri's lifelong friend (Anthony Street) and his cousin (Angela Corrieri) ask to be considered as suretors for his release. Though they have limited income due to the pandemic (each earning about \$2000/month) they are willing to sign a bond. They have every confidence that Mr. Corrieri will comply with release conditions and not put them at any financial risk. **See Exhibit B**, Letter from Angela Corrieri.

Since April, conditions at MDC have not improved much. BOP's Action Plan, now in Phase Seven, continues to require extended lockdown. In *Chunn v. Edge*, 20-cv-1590, a recent announced MDC facility evaluation and records review by Dr. Homer Venters, revealed systemic failures:

- ineffective screening for COVID-19 signs or symptoms with patients reporting symptoms of COVID-19 with little to no response by staff;
- failure to implement adequate infection control practices;
- inadequate practices to identify and protect detainees who are particularly vulnerable to the effects of COVID-19 due to their high-risk underlying medical conditions.
- ignored electronic and paper sick call requests and receiving a response only after making several requests and waiting 3 to 7 days to be seen by medical staff, then only detainee's temperature is taken and nothing more.
- reported significant gaps in access to cleaning solutions and insufficient cleaning solution for their cell areas.

- inconsistent compliance with staff wearing gloves or masks.

See Exhibit C, Facility Evaluation: Metropolitan Detention Center COVID-19 Response filed in *Chunn v. Edge*, 20-cv-1590, ECF Doc. 72-1 (E.D.N.Y. April 30, 2020).¹

Even with the near 24/7 lockdown of detainees, coronavirus infections have spread through BOP facilities. Correctional facilities, like MDC, do not have the resources or staffing to fully implement and effectively impose quarantine when individuals are housed together in close quarters with limited access to soap, masks, and disinfectants. On March 31, 2020, **29** BOP inmates had known coronavirus infections. As of June 2, 2020, as reported on BOP's website: **1904 federal inmates** and **175 BOP staff** have confirmed positive test results for COVID-19 nationwide. Currently, **3631** inmates and **448** staff have recovered. There have been **71** federal inmate deaths.² As predicted by medical experts, the virus spread exponentially inside BOP facilities.

MDC reports that 6 inmates have tested positive for coronavirus. Significantly though, only 51 of the approximately 1600 detainees have been tested since March 13, 2020.³ It does not appear that MDC has the capacity to increase testing due to the lack of tests and conserving the limited number of tests they do have. To date, the true rate of coronavirus infections at MDC is unknown. This is alarming and requires action. In a recent interview, Gigi Gronvall, an immunologist and senior scholar at Johns Hopkins Center for Health Security, stated:

A growing body of results shows that people who are asymptomatic appear to have the same viral load as symptomatic cases. This means that, whether people have symptoms or not, they carry the same amount of virus inside them. This suggests that transmission is possible equally from both asymptomatic patients and noticeably sick patients. To my knowledge, this is quite uncommon for a virus and is not a good sign. If you're able to transmit the virus while asymptomatic, it allows for a lot more community spread. For other viruses, you're not contagious until you have symptoms, so it's easier to screen for the disease and limit these chains of infection. COVID-19 is proving much harder to contain.

-**See Exhibit D, Asymptomatic Spread makes Covid-19 tough to Contain, Q&A Johns Hopkins Hub, Covid-19 information and resources.**

The pandemic is not over. Until there is testing available for each MDC detainee, there is no way to develop a comprehensive plan to mitigate against the spread of the virus. Given the changed circumstances, precipitated by the novel coronavirus public health emergency and the virus' deadly arrival in BOP facilities, Mr. Corrieri moves this Court for his release with strict conditions of home confinement given his high-risk medical condition.

¹ There has been extensive litigation with numerous declarations and documents filed, including government responses that are docketed in the civil matter.

² See BOP Resource Page at <https://www.bop.gov/coronavirus/> (last visited June 2, 2020).

³ See Eastern District of New York, USDC: <https://www.nyed.uscourts.gov/covid-19>, for facilities reports responsive to Administrative Order 2020-14.

For these reasons and those argued in Mr. Corrieri's bail application (ECF Doc. 29) and reply (ECF Doc. 30), he has every incentive to comply with conditions of release given the terms of his plea agreement and the additional jeopardy of a sentence enhancement should he commit an offense while on release.

Counsel is available for a teleconference on this matter at the Court's convenience. Thank you for your consideration of this motion.

Respectfully submitted,

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